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FM AMEMBASSY RANGOON
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5150
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHBJ/AMEMBASSY BEIJING 1130
RUEHBY/AMEMBASSY CANBERRA 9897
RUEHKA/AMEMBASSY DHAKA 4329
RUEHLO/AMEMBASSY LONDON 1793
RUEHNE/AMEMBASSY NEW DELHI 3525
RUEHUL/AMEMBASSY SEOUL 6996
RUEHTC/AMEMBASSY THE HAGUE 0550
RUEHKO/AMEMBASSY TOKYO 4614
RUEHCI/AMCONSUL CALCUTTA 0903
RUEHCN/AMCONSUL CHENGDU 0907
RUDKIA/AMCONSUL CHIANG MAI 0630
RUEATRS/DEPT OF TREASURY WASHDC
RUEHGV/USMISSION GENEVA 2856
RHEHNSC/NSC WASHDC
RUEKJCS/SECDEF WASHDC
RUEKJCS/JOINT STAFF WASHDC
RUCNDT/USMISSION USUN NEW YORK 0505
RUEHBS/USEU BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 001376

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STATE FOR EAP/MLS; PACOM FOR FPA, TREASURY FOR OASIA:AJEWELL

E.O. 12958: DECL: 09/19/2016

TAGS: [ELAB](#) [PHUM](#) [PGOV](#) [BM](#)

SUBJECT: LITTLE PROGRESS ON FORCED LABOR IN BURMA

REF: A. RANGOON 963

- [1](#)B. RANGOON 904
- [1](#)C. GENEVA 1560
- [1](#)D. RANGOON 849
- [1](#)E. RANGOON 806

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Classified By: Econoff TLManlowe for Reason 1.4 (b,d)

[1](#)1. (C) Summary: ILO Burma Liaison Officer Richard Horsey said the GOB is making slow progress on the two outstanding issues raised at the June International Labor Conference (ILC): a moratorium on prosecutions of forced labor complainants, and agreement on a mechanism to handle forced labor complaints. The regime released political prisoners Su Su Nway and Aye Myint in response to ILC concerns, but has delayed hearings in the case involving villagers who reported the death of a forced labor victim. The ILO insists that the villagers' case be resolved before it can begin formal discussions on an acceptable mechanism to handle forced labor complaints. Horsey doubts outstanding issues will be resolved before the October 31 deadline set at the ILC. End summary.

Condition 1: Moratorium on Persecutions of Complainants

[1](#)2. (C) ILO Liaison Officer in Burma Richard Horsey recently provided emboff with an update on the regime's response to the June ILC's conditions that the GOB release labor activists Su Su Nway (ref D), lawyer Aye Myint, and three villagers from Aunglan Township; set a moratorium on further prosecution of labor complainants, and establish a mechanism with ILO to address future forced labor complaints. Horsey maintains contact with Su Su Nway and Aye Myint since their release from prison. Horsey noted that authorities released Su Su Nway without conditions, but Aye Myint was stripped of his license to practice law (ref A). Aye Myint has appealed

his conviction and seeks reinstatement of his license. The ILO watches Aye Myint's appeal closely and will raise his case again if he is treated unfairly.

13. (C) The third case raised at the June ILC involved three villagers from the town of Aunglan who helped a forced labor victim's family report his death to the ILO and authorities. The original case was tried at the Township level, but on August 21, a District Court judge presided over a new hearing. The judge only allowed procedural issues to be discussed and then postponed the case until September 5. On that day, the District Court sent it back to the Township Court, which set the next hearing for September 20. Horsey worries that the delay will affect the ILO's formal discussions on the third ILC condition: a legal mechanism to address forced labor allegations. The ILO will not begin the discussions until the Aunglan case is resolved.

Condition 2: Mechanism To Address Complaints

14. (C) Nevertheless, Horsey has begun informal negotiations with the GOB on an acceptable mechanism to respond to forced labor complaints. Horsey said that the ILO will pursue the informal track in Burma and Geneva to help reduce the amount of time needed to gain agreement once formal discussions begin. Progress has been minimal. Horsey said that the government is engaged, but shows very little flexibility in its position. On August 17, Horsey relayed a message to Labor Minister U Thaung, warning that a delay would not be in the GOB's interest. He feels that the ILO Governing Board will not accept another excuse at its November meeting and will be unsympathetic to another appeal for more time. In the meantime, Horsey said, the ILO will develop specific proposals for the Governing Board to consider in November should further action be needed, including the creation of a multi-stakeholder conference, an appeal to the International

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Court of Justice for an advisory opinion, and the preparation of a list of concrete steps that ILO member states can take with regard to their relations with Burma.

15. (C) Horsey said he continues to receive regular, credible reports of ongoing forced labor from sources around the country, as well as from exiles. Although the military increasingly uses prisoners as porters, he has received credible reports that the army has forced villagers living in and near Karen State to act as porters and build camps in areas the military occupies.

16. (C) Comment: The regime hopes that its minimal actions, including the release of activists Su Su Nway and Aye Myint, replacing local civilians with prison laborers in some regions, and reducing forced labor's visibility in major urban centers, will buy extra time and delay further action by the ILO. However, the June ILC's fixed deadlines and firmness in requiring the regime to stop prosecuting those reporting forced labor before negotiations in other areas commence forces the regime to make hard choices. Regime-condoned and military-directed forced labor continues throughout Burma. With the regime running out of time to meet ILC deadlines before the November Governing Board meeting, they should be judged on their actions (or lack thereof). End comment.

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